



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

07643.0042

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number

10/052,250

Filed

January 23, 2002

First Named Inventor

Russell T. Davis

Art Unit

2176

Examiner

C. Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

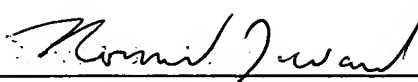
☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 54,870


Signature

Ronald J. Ward

Typed or printed name

571-203-2700

Telephone number

December 23, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT: Mail Stop AF
Customer No.: 22,852
Attorney Docket No. 07643.0042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Russell T. DAVIS et al.

Application No.: 10/052,250

Filed: January 23, 2002

For: RDX ENHANCEMENT OF
SYSTEM AND METHOD FOR
IMPLEMENTING REUSABLE
DATA MARKUP LANGUAGE
(RDL)

)
)
) Group Art Unit: 2176
)
) Examiner: C. Nguyen
)
) Confirmation No.: 1920
)
) Mail Stop AF
)
)
)
)
)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In reply to the Final Office Action mailed August 23, 2005, and pursuant to the July 12, 2005, OG Notice regarding the Pre-Appeal Brief Conference Pilot Program, Applicants respectfully request panel review of the final rejection under 35 U.S.C. § 103(a) discussed in the remarks below. No amendments are being filed with this Request. This Request is being filed concurrently with a Notice of Appeal and a petition for a one-month extension of time.

REMARKS

I. Status of the Claims

In the Final Office Action, the Examiner repeated the rejection of claims 1, 2, 5-7, 11-18, 21, 22, 24-31, 34, 35, 37-43, 46, 47, 49-55, and 59-63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,370,549 to Saxton ("Saxton") in view of U.S. Patent Application Publication No. 2002/0052954 to Polizzi et al. ("Polizzi"); claims 3, 4, 19, 20, 32, 33, 44, 45, 56, 57, and 64 under 35 U.S.C. § 103(a) as being unpatentable over Saxton and Polizzi and further in view of the XBRL Specification by Hamscher et al. ("Hamscher"); and claims 8-10, 23, 36, 48, and 58 under 35 U.S.C. § 103(a) as being unpatentable over Saxton and Polizzi and further in view of U.S. Patent No. 6,134,563 to Clancey et al. ("Clancey"). Claims 1-64 are currently pending. Of these, claims 1, 17, 29, 30, 42, 54, and 62 are independent.

II. Requirements for Submitting a Pre-Appeal Brief Request for Review

Applicants request a pre-appeal brief review of rejections set forth in the Final Office Action mailed August 23, 2005. This application has been at least twice rejected. Applicants have concurrently filed a Notice of Appeal and have not yet filed an Appeal Brief. And this Request meets the five (5) page limit and includes a discussion of the legal or factual deficiencies in the rejections. See Official Gazette Notice, July 12, 2005. Thus, Applicants have met each of the requirements for an Pre-Appeal Conference and, therefore, request review of the Examiner's rejections in the Final Office Action.

III. Rejection of Claims 1-61

Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness in rejecting claims 1, 17, 29, 30, 42, and 54 under 35 U.S.C. § 103(a) as being unpatentable over Saxton in view of Polizzi. Reconsideration is respectfully requested.

For example, claim 1 recites, among other things: "an editor that develops a report by referencing the software elements created from the one or more text documents to form a structure of the report." Claims 17, 29, 30, 42, and 54 contain similar recitations.

According to the Examiner, Saxton fails to disclose this element of claim 1, but Polizzi discloses processing jobs that can retrieve data arranged in a hierarchy in portal system 120 (including repository 235) to generate reports. See Final Office Action, page 10, and Advisory Action, continuation page (both citing Polizzi, paragraphs [0024] and [0025]). However, regardless of whether this characterization of Polizzi is correct, the Examiner has not pointed to any teaching or suggestion in the prior art of "an editor that develops a report by referencing the software elements . . . *to form a structure of the report,*" as claimed.

Moreover, Applicants respectfully disagree with any equivalence the Examiner may have intended to draw between retrieving data from portal system 120 to generate reports, on the one hand, and referencing the same data to "*form a structure of the report,*" as claimed, on the other hand. On the contrary, Polizzi indicates that report output formats are formed based on objects or files identified by associated object properties 410. "Associated object properties 410 identify a list of objects or files . . .

required by the job when generating report output formats.” Polizzi, paragraph [0053].

However, these objects or files are not described as “software elements having a format with a hierarchal relationship between the software elements,” as required by claims 1, 17, 29, 30, 42, and 54.

In light of the above arguments, Applicants submit that the Examiner’s rejection was legally and factually deficient and therefore failed to establish a *prima facie* case of obviousness in rejecting claims 1, 17, 29, 30, 42, and 54. Claims 2, 4-16, 18, 20-28, 31, 33-41, 43, 45-53, 55, and 57-61 depend from and add additional features to each of independent claims 1, 17, 30, 42, and 54. Accordingly, these claims are allowable for at least the reasons set forth above.

In addition, Hamscher and Clancey fail to cure the above-identified deficiencies of Saxton and Polizzi. See Applicants’ Reply to Final Office Action, pages 8 and 9. Therefore, Applicants respectfully submit that claims 3, 4, 8-10, 19, 20, 23, 32, 33, 36, 44, 45, 48, and 56-58 are also allowable.

IV. Rejection of Claims 62-64

Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness in rejecting claims 62-64 under 35 U.S.C. § 103(a) as being unpatentable over Saxton in view of Polizzi. Reconsideration is respectfully requested based on the reasons given in the Reply to Final Office Action. See Applicants’ Reply to Final Office Action, pages 6-8. In short, the combination of references fails to teach or suggest “a parser that . . . interprets tags included in the one or more text documents to create software elements, and determines the hierarchy of the software elements

within a structure representative of the one or more text documents," as recited in independent claim 62. The Examiner responded to remarks made in support of certain claims in the Advisory Action, but did not address any remarks made in support of independent claim 62.

V. Conclusion

Because the Examiner's rejections of claims 1-64 include legal deficiencies with regard to 35 U.S.C. § 103(a) and factual deficiencies, Applicants are entitled to a pre-appeal brief review of the Final Office Action. Moreover, in view of the foregoing remarks, Applicants respectfully request withdrawal of finality of the rejection, reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 23, 2005

By: Ronald J. Ward
Ronald J. Ward
Reg. No. 54,870